

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:22CR314-1
	:	
PHILLIP JEREL SCOTT	:	

FACTUAL BASIS FOR A GUILTY PLEA

NOW COMES the United States of America, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11 of the Federal Rules of Criminal Procedure, states as follows:

On Monday, May 4, 2020, Detective (Det.) Stacy Jarrell with the Guilford County Sheriff's Office (GCSO) received an ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives) E-Form, 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" for Phillip Jerel Scott (Scott). These forms are sent by Guilford County businesses who possess Federal Firearms Licenses, to the Chief Law Enforcement Officer when a person purchases two or more guns within a five-day period.¹ On the form, Det. Jarrell saw that Scott

¹ Per GCSO Policy, when the Sheriff's Office receives these forms, the buyer on the form is "checked against the records of pistol permits which were issued, and a

purchased two of the exact same firearms (Ruger, LCP, 380 caliber pistols), on the exact same day, March 25, 2020. Det. Jarrell then contacted Special Agent (SA) Crocker to look into Scott's purchases of firearms.

SA Crocker collected all available ATF Form 4473s from multiple Federal Firearm Licensees (FFLs) that were identified in multiple sale reports through the ATF National Tracing Center. All FFLs are required to report the sale of two or more handguns to an individual that occur within five consecutive business days. SA Crocker's search revealed eight multiple sales associated with purchases made by Scott:

1. Southern Firearms in Greensboro (transaction date **7/30/2016**)
 - a. SCCY, Model CPX-2, 9mm pistol
 - b. Smith & Wesson, Model SD9VE, 9mm pistol
2. Academy Sports in Greensboro (transaction date **3/25/2020**)
 - a. Ruger, Model LCP, .380 caliber pistol
 - b. Ruger, Model LCP, .380 caliber pistol
3. Sportsman's Warehouse in Greensboro (transaction date **4/22/2020**)
 - a. Chiappa Italy, Model M Four-22, .22 caliber pistol
 - b. Kahr, Model CW40, .40 caliber pistol

criminal history should be done on those persons [who have pistol/carry concealed permits through other counties]"

4. SCB Guns & Ammo in Thomasville (transaction date **4/30/2020**)
 - a. Smith & Wesson, Model Shield, .40 caliber pistol
 - b. Smith & Wesson, Model M&P, 9mm pistol
 - c. Taurus, Model TH9C, 9mm pistol
 - d. Smith & Wesson, Model M&P 40, .40 caliber pistol
 - e. Glock, Model 21 Gen 4, .45 caliber pistol
5. Sportsman's Warehouse in Greensboro (transaction date **5/1/2020**)
 - a. Glock Austria, Model 22, .40 caliber pistol
 - b. Glock Austria, Model 22, .40 caliber pistol
 - c. Century Arms, Model RAS47, 7.62X39mm pistol
6. Guns and More in Thomasville (transaction date **5/23/2020**)
 - a. ATI, Model OMNI, 5.56 pistol
 - b. ATI, Model OMNI 5.56 pistol
 - c. Glock, Model 26, 9mm pistol
 - d. Ruger, Model 22 Charger, .22 caliber pistol
 - e. Glock, Model 21, .45 caliber pistol
 - f. Glock, Model 26, 9mm pistol
 - g. ROMARM/CUGIR, Model Mini Draco, 7.62x39mm
 - h. Glock, Model 42, .380 caliber pistol
7. Powers Firearms, Inc. in Greensboro (transaction date **6/1/2020**)

- a. Glock, Model 26 Gen 4, 9mm pistol
 - b. Palmetto State Armory, Model PA-15, multi-caliber pistol
8. Sportsman's Warehouse in Greensboro² (transaction date **7/1/2020**)
- a. Taurus, Model G3, 9mm pistol
 - b. HI point, Model CF380, .380 caliber pistol
 - c. Ruger, Model 22 Charger, .22 caliber pistol

Although Scott was approved for a North Carolina concealed handgun permit on August 15, 2019, he was subsequently charged with Assault by Pointing a Gun by High Point Police Department (HPPD) on March 27, 2020 (four days after purchasing multiple firearms in Guns and More in Thomasville as detailed above). Not only was he charged on site by HPPD, but he also admitted that he was carrying his gun concealed while drinking alcohol in violation of his permit. Due to the fact Scott was charged with assault and the possibility he was making straw purchases, Det. Jarrell contacted Sgt. Moore, who supervises pistol permits, to make him aware of her findings.

Shortly thereafter, Sgt. Moore scheduled a revocation hearing for June 8, 2020, and sent a certified letter notifying Scott of the hearing. The return

² The purchase of the three firearms from Sportsman's Warehouse all occurred after Scott's carried concealed permit was revoked.

receipt was sent back to Sgt Moore indicating Scott received the certified letter on or about May 28, 2020.

On June 8, 2020, the revocation hearing took place. Scott was present at the hearing. After the hearing, Sgt. Moore and the GCSO Attorney decided to revoke Scott's carry concealed permit. On June 10, 2020, Sgt. Moore sent a second certified letter to Scott at the same address as the first certified letter, memorializing the revocation. Sgt. Moore also sent an email to Scott informing him of the revocation. On July 17, 2020, Scott returned his permit in person to the Guilford County Sheriff's Office at 4:45pm.

Approximately two months later, on September 24, 2020, employees at Pap Paw's Pawn and Jewelry, an FFL, contacted SA Crocker to report that Scott purchased a SCCY CPX2 9mm handgun on that date. Employees of the FFL told SA Crocker that Scott presented a North Carolina Concealed Carry Permit (CCP) along with his driver's license. On page three of the ATF 4473 form that Scott filled out in order to purchase this weapon, there is a box that states a background check is not necessary because the buyer has a permit. See below:

29. <input type="checkbox"/> No NICS check is required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS.			
Issuing State and Permit Type	Date of Issuance (if any)	Expiration Date (if any)	Permit Number (if any)

Section D - Must Be Completed Personally By Transferee/Buyer

The permit number listed on the 4473 for this purchase was NC825959, which is the number of his revoked permit. SA Crocker reviewed surveillance video of the transaction along with the 4473, which corroborated the information provided by the employees and showed that Scott had displayed what appeared to be a CCP so that no background check was needed. At the time of the transaction, Scott did not have a valid CCP and knew that he did not have a valid CCP since he turned his permit into the Sheriff's office less than two months earlier.

Later, Det. Jarrell was able to determine that Scott purchased a total of six firearms after his North Carolina concealed handgun permit was revoked on June 8, 2020.

This the 21st day January, 2023.

Respectfully submitted,

SANDRA J. HAIRSTON
United States Attorney

/S/ NICOLE R. DUPRÉ
Assistant United States Attorney
NCSB No.: 41214
United States Attorney's Office
Middle District of North Carolina
101 S. Edgeworth Street, 4th Floor
Greensboro, NC 27401

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

John S. Coalter, Esq.

Respectfully submitted,

SANDRA J. HAIRSTON
United States Attorney

/S/ NICOLE R. DUPRÉ
Assistant United States Attorney
NCSB No.: 41214
United States Attorney's Office
Middle District of North Carolina
101 S. Edgeworth Street, 4th Floor
Greensboro, NC 27401
Phone: 336/333-5351